



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent: N/A
Zoning Ordinance: Town of Buckhead Zoning Ordinance
Section 8.15 Attached Dwellings

Summary

Morgan County Planning & Development is proposing new language for the Town of Buckhead Zoning Ordinance related to Two Family Dwellings, Multi-Family Dwellings, and Townhouses and Condominiums. This is for three reasons. First, these types of housing are becoming increasingly popular with builders and buyers. Second, Buckhead is facing the strong possibility of a mixed-use development that would include these types of housing. Lastly, Staff is modifying the attached dwelling language in all applicable jurisdictions to be compatible. The language is almost identical to that approved in Rutledge, proposed in Bostwick and forthcoming in the county.

Buckhead does not have a sanitary sewer system. While duplexes can be constructed with septic tanks if water is available, multi-family and townhomes cannot. The proposed language states that a sanitary sewer system will be required for multi-family and townhomes. It does not state that the system must be a public system, therefore, a developer may choose to work with a private provider or install a package plant. The proposed mixed use development will have a package plant.

Staff is proposing to remove the table currently found on Page 74. The information listed in the table is contained either in the body of the specific regulations or within the tables for the specific zoning districts. Repetition only makes it more difficult to make future changes.

Staff did, however, choose to repeat much of the info contained within the regulations for each type of dwelling. If, and when, these types of developments begin to be constructed within our jurisdictions, Staff anticipates that the language will need to be amended and will vary depending on the type of housing. Separating them now will make future changes to each category easier.

Current and Proposed Language

See attached for proposed language. Existing language is also attached.

Current Language

Section 8.15 Attached Dwellings

For the purposes of this section, the following definitions shall apply:

Apartment: A dwelling unit containing one room and a bath, or a suite of two or more rooms and a bath, which is intended for occupancy by one family or one person doing its cooking therein. For zoning purposes, an apartment is regarded as a dwelling unit. A structure containing two apartments is a two-family dwelling. A structure containing three or more apartments is a multi-family dwelling.

Condominium: A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of Title 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A. §44-3-70 et seq.) in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

Duplex: See “Dwelling, two-family”

Dwelling: A structure or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multi-family dwellings, manufactured homes and modular dwellings, but not including hotels or motels.

Dwelling, multi-family: A structure or portion thereof designed for three or more dwelling units.

Dwelling, townhouse: A type of dwelling that is one or more stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common walls extending from the foundation to the roof decking, and is part of a contiguous group of at least three but not more than six such townhouses, and shall be considered a multi-family dwelling unit grouping.

Dwelling, two-family: A detached residential structure containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

Dwelling unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping and toilet facilities and which are physically separated from any other dwelling units which may be in the same structure.

Multi-family: See “dwelling, multi-family.”

Unit grouping: Depending on dwelling type, a series of no fewer than two (2) and no greater than six (6) contiguous units separated by fire walls built in a row with approximately the same configuration on the ground floor.

Section 8.15.1 Minimum Unit Grouping Size

- (a) Two-family dwelling unit grouping: two (2) contiguous units shall constitute a unit grouping.
- (b) Multi-family dwelling unit grouping: no fewer than three (3) contiguous units and no greater than six (6) contiguous units shall constitute a unit grouping.

Section 8.15.2 Yard Requirements

- (a) The front yard for the entire townhouse, two-family or multi-family unit grouping shall be no less than thirty (30) feet in depth from the street right-of-way of an existing street, and no less than twenty (20) feet for new roads constructed internal to a major subdivision project.
- (b) Corner lots shall have the same side yard as established in Table 8.15-1, and the end buildings in any townhouse, two-family, or multi-family dwelling unit grouping shall conform to the side yard requirements Table 8.15-1.
- (c) Each two-family dwelling or townhouse shall have its own front yard at least five (5) feet deep, and each two-family dwelling or townhouse shall have its own rear yard at least twelve (12) feet deep that is private and reasonably secluded from view from the streets and from neighboring property, including adjacent units.

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Section 8.15.3 Setback Requirements

All townhouse, two-family and multi-family unit groupings must meet the minimum front, side and rear setbacks established in Table 8.15-1.

Section 8.15.4 Parking

- (a) Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. Parking behind or underneath buildings or parking bays accessed by rear alleyways is encouraged.
- (b) No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking must be paved.
- (c) Number of parking spaces required are as established in Article 10, Parking and Loading Requirements.

Section 8.15.5 Street Requirements

All internal streets must meet county road construction standards. Public streets must be warranted for three (3) years, and be deeded to the county pursuant to the requirements of the Town of Buckhead Development Regulations.

Section 8.15.6 Accessory Buildings

- (a) One (1) accessory building may be constructed for each dwelling unit. Total number of accessory buildings within a project may not exceed total number of dwelling units.
- (b) One (1) accessory building may be placed in the rear yard of a townhouse, two-family, or multi-family dwelling unit provided that an eight (8) feet high solid fence encloses the yard.
- (c) Pursuant to the requirements of this article, a detached garage, either singly or constructed in a series, shall be considered an accessory building.
- (d) Accessory buildings shall be a maximum 288 square feet and a maximum twelve (12) feet in height. Excepting electricity, no other utilities may be connected to an accessory building.

Section 8.15.7 Lot Coverage

Maximum lot coverage shall be established by the base zoning district classification.

Section 8.15.8 District Requirements Must Be Met

In the event of a conflict between these requirements and the base zoning district classification, the more restrictive requirement shall supersede.

Section 8.15.9 Preliminary Plat Required

The preliminary plat must be prepared at a scale of one (1) inch equal one hundred (100) feet and, at a minimum, meet the requirements of the Town of Buckhead Development Regulations in regard to: Multi-family, Mixed Use and Non-Residential Projects and Preliminary Plat or Site Plan Requirements.

The preliminary plat must illustrate the ultimate development of the entire plat owned by the applicant and shall identify the section for which formal plat approval will initially be requested.

Current Language

Table 8.15-1
Dimensional Requirements by Attached Dwelling Type

DIMENSIONAL REQUIREMENT (in feet)	Two-family(1)	Multi-family(1)	Townhouse(1)	Apartment
Minimum lot width per unit	25	20	20	(3)
Minimum lot width per unit groupings	90	100	100	(3)
Minimum lot depth per unit groupings				(3)
Minimum lot size per unit (sq. feet)	2500	2000	2000	(3)
Minimum distance between unit groupings on the same lot	40	40	40	(3)
Minimum dwellings per unit groupings	2	3	3	6
Maximum dwellings per unit groupings	2	24	6	(3)
Minimum front yard setback per unit groupings on an existing street(2)(4)	30	30	30	(3)
Minimum front yard setback per unit groupings on a new street internal to a major subdivision(2)(4)	20	20	20	(3)
Minimum side yard setback per unit groupings(2)	20	20	20	20
Minimum rear yard setback per unit groupings(2)(4)	25	25	25	(3)
Maximum height per unit or unit groupings	35	35	35	(3)
Maximum impervious surface per lot (sq. feet)	60	60	60	(3)
Minimum heated floor area per dwelling unit (sq. feet)	900	600	900	600

- (1) Permitted only if water and wastewater standards are met.
- (2) Buffer requirements contained elsewhere in this ordinance shall be required in addition to these minimum yard requirements.
- (3) Must meet the minimum dimensional requirements for multi-family unit groupings
- (4) For two-family dwellings and townhouses, private yards required or owned with each unit shall be exclusive of the front and rear yard setbacks for unit groupings.

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Section 8.15 Attached Dwellings

For the purposes of this section, the following definitions shall apply:

Condominium: A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of Title 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A. §44-3-70 et seq.) in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

Duplex: See “Dwelling, two-family”

Dwelling: A structure or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multi-family dwellings, manufactured homes and modular dwellings, but not including hotels or motels.

Dwelling, Multi-Family: A structure or portion thereof designed for between four and eight dwelling units per floor with a maximum of two floors.

Dwelling, Two-Family: A detached residential structure containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

Dwelling unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping and toilet facilities and which are physically separated from any other dwelling units which may be in the same structure.

Multi-family: See “dwelling, multi-family.”

Townhouse: A type of dwelling that is one or more stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common walls extending from the foundation to the roof decking, and is part of a contiguous group of at least three but not more than four such townhouses.

Section 8.15.1 Two Family Dwellings

- (a) No more than one Two Family Dwelling is allowed per property. The property must meet the minimum standards for the zoning district in which it is located.
- (b) Each Two Family Dwelling must be a minimum of one thousand six hundred (1600) square feet of heated floor space (800 square feet per unit).
- (c) All buildings must be set back a minimum of 100 feet from all bodies of water qualifying as State Waters; All buildings must be located outside of any area designated as floodplain.
- (d) The maximum impervious surface and setbacks must meet the requirements of the zoning district where located.
- (e) All Two Family Dwellings must be connected to a public water system and meet the requirements of the Environmental Health Department for septic systems. The Environmental Health Department may require additional acreage depending on the type of system required.

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- (f) All Two Family Dwellings must comply with the latest building and fire code adopted by the Town of Buckhead. A fire hydrant must be placed no further than five hundred (500) feet from the property.
- (g) Between the building and the street right-of-way, landscaping shall consist of a minimum of one shade tree and 5 shrubs per 35 linear feet.
- (h) A minimum of two (2) off street parking spaces must be provided per dwelling unit. Parking spaces shall be located at the side or the rear of the dwelling unit. No parking lot shall face a public street. Off street guest parking must be provided. Parking must be paved in accordance with the requirements of the Town of Buckhead regulations.
- (i) All exterior materials shall be durable and of high-quality. The front façade must contain more than one type of exterior material. No aluminum or vinyl siding is allowed. A minimum of 50% of the front façade must be brick or stone. All front facades shall include architectural elements such as banding, base elements, cornice lines, projecting bays, column treatments, decorative window treatments and architectural fenestration intended to relieve blank or undifferentiated facades. Rear and side materials shall be designed to be compatible in color, materials and detailing with the public and residential facades.

Section 8.15.2 Townhomes and Condominiums

In zoning districts where permitted, Townhouses and Condominiums shall meet the following requirements:

- (a) No more than 48 units shall be allowed per Townhouse or Condominium development. No more than 4 continuous townhouses or condominiums shall be built in a connected row.
- (b) The minimum lot area for any Townhouse or Condominium development shall five (5) acres. In no case shall more than fifty percent (50%) of the lot area be occupied by buildings.
- (c) The maximum impervious surface area for Townhouse or Condominium developments shall meet the zoning district where located. All Townhouse or Condominium developments shall dedicate a minimum of 20% to open space. At least one half of the dedicated open space must be useable space for passive and active recreational use. Pervious areas such as storm water facilities and parking lot islands shall not be used as part of the open space requirement. All open space recreational areas must be separated from the internal traffic flow and public thoroughfares. All passive and active recreational areas must be readily accessible to all occupants of the development.
- (d) All buildings must be separated on all sides a minimum of 60 feet from any other building; All buildings must be set back a minimum of 100 feet from the side and rear lot lines; All buildings must be set back a minimum of 60 feet from the street right-of-way; All buildings and structures must be set back a minimum of 100 feet from all bodies of water qualifying as State Waters; All buildings must be located outside any area designated as floodplain.
- (e) All buildings shall be oriented as to face front to front or rear to rear. No building shall be oriented as to face front to rear of another building within the development or to adjoining properties.
- (f) Building height shall be limited to two (2) floors and a median height of 35 feet above finished grade.

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- (g) Each Townhouse or Condominium shall have its own rear yard at least 12 feet deep that is private and reasonably secluded from view from the streets and from neighboring properties, including adjacent units.
- (h) All Townhouse or Condominium units shall meet the following for minimum heated floor space:
 - One (1) bedroom unit – 800 square feet
 - Two (2) bedroom unit – 1,000 square feet
 - Three (3) bedroom unit – 1,200 square feet
- (i) Every Townhouse or Condominium development proposed to contain 24 dwelling units or more must include a community recreation amenity to serve the development. These amenities may include any of the following:
 - Active play area(s)
 - Children’s play area(s)
 - Accessible walking trails
 - Public swimming pool(s)
 - Ball fields
 - Club house
 - Kitchen with seating
 - Tennis court(s)
 - Basketball court(s)
 - Volleyball court(s)
 - Other active recreation courts
 - Community Garden(s)
 - Community OutdoorTownhouse and Condominium developments containing 24 to 48 dwelling units must include a minimum of two (2) amenities.
- (j) Each applicant of a Townhouse or Condominium development shall present, as part of the application, all legal documents in which all land associated with the development shall be protected and maintained. This includes all internal streets, parking areas, sidewalks, landscaping, open space areas, recreation amenities, common areas and structures.
- (k) All Townhouse or Condominium developments must be connected to a public water system and a sanitary sewer system. All utilities must be located underground within the development.
- (l) All dumpsters and service equipment must be screened from view using durable architectural materials compatible with the building’s exterior.
- (m) All Townhouse and Condominium developments must comply with the latest building and fire code adopted by the Town of Buckhead. A fire hydrant, meeting the required fire flows for the size of the structure, must be located within one hundred (100) feet of each building within the development. In no case shall the hydrants be placed further than five hundred (500) feet apart within the development.
- (n) Exterior lighting must meet the requirements of the Buckhead Zoning Ordinance.
- (o) A landscaping plan shall be submitted and approved as part of the construction documents. The use of native plants and trees as landscaping material is encouraged wherever possible. Invasive or potentially invasive plants are not permitted. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. Ground cover(s) should be used to

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supplement landscaping in appropriate areas to reduce the need for extensive grass lawns. All Multi-Family Residential Developments are required to have a minimum of 20 buffer along adjoining property lines meeting the screening and buffer requirements of the Buckhead Zoning Ordinance.

- (p) All exterior materials shall be durable and of high-quality. The front façade must contain more than one type of exterior material. A minimum of 50% of the front façade must be brick or stone. No aluminum or vinyl siding is allowed. Façade modulation shall be utilized with a minimum modulation depth of 4 feet. Maximum width of building façade without modulations shall be 30 feet. All front facades shall include architectural elements such as banding, projecting bays, base elements, cornice lines, column treatments, and decorative window treatments and/or architectural fenestration intended to relieve blank and undifferentiated facades. Rear and side materials shall be designed to be compatible in color, materials, and detailing with the public and residential facades. The roof lines of buildings which face public and residential areas shall be designed to include treatments such as pitched roofs, gables, or raised features in order to provide attractive facades, provide interest and avoid the monotony of undifferentiated rooflines.
- (q) All access roads and parking areas must be paved with curbing and gutter, consistent with the requirements of the Town of Buckhead regulations. All parking areas must be in the rear of the units and must be grouped to minimize the number of parking lots. The number of parking spaces must meet the requirements of the Rutledge Zoning Ordinance. Additional parking for guests must be provided and shall be spaced throughout the development. All parking must be off-street.
- (r) Sidewalks shall be provided on both sides of the street in all Townhouse and Condominium developments. Sidewalks must be located within the dedicated non-pavement right-of-way of roads and shall be concrete or asphalt, unless an alternate material is approved by the Director of Planning & Development. Sidewalks must be a minimum of 5 feet wide with a minimum 4 foot wide grassed or landscaped median between the sidewalk and the adjacent curb.
- (s) No additional structures shall be allowed in the front or rear yard of a Townhouse or Condominium.
- (t) Townhouse or Condominium developments with units containing garages must provide alleys for rear entry. No garage door may be part of the front façade. Alleys shall be a minimum of 16 feet wide. Dead end alleys are not allowed. Alleys must be paved to local street standards.

Section 8.15.3 Multi Family Dwellings

In zoning districts where permitted, Multi-Family Dwellings shall meet the following requirements:

- (a) No more than 48 units shall be allowed per Multi-Family Residential Development. Apartments shall have a minimum of four (4) and a maximum of eight (8) dwelling units per floor per building.
- (b) The minimum lot area for any Multi-Family Residential development shall be five (5) acres. In no case shall more than fifty percent (50%) of the lot area be occupied by buildings.
- (c) The maximum impervious surface area for Multi-Family Residential developments shall meet the zoning district where located. All Multi-Family Residential developments shall dedicate a minimum of 20% to open space. At least one half of

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the dedicated open space must be useable space for passive and active recreational use. Pervious areas such as storm water facilities and parking lot islands shall not be used as part of the open space requirement. All open space recreational areas must be separated from the internal traffic flow and public thoroughfares. All passive and active recreational areas must be readily accessible to all occupants of the development.

- (d) All buildings must be separated on all sides a minimum of 60 feet from any other building; All buildings must be set back a minimum of 100 feet from the side and rear lot lines; All buildings must be set back a minimum of 60 feet from the street right-of-way; All buildings and structures must be set back a minimum of 100 feet from all bodies of water qualifying as State Waters; All buildings must be located outside any area designated as floodplain.
- (e) All buildings shall be oriented as to face front to front or rear to rear. No building shall be oriented as to face front to rear of another building within the development or to adjoining properties.
- (f) All Multi-Family Residential dwellings are limited to a maximum of two (2) floors and a median height of 35 feet above finished grade.
- (g) All Multi-Family dwelling units shall meet the following for minimum heated floor space:
 - One (1) bedroom unit – 800 square feet
 - Two (2) bedroom unit – 1,000 square feet
 - Three (3) bedroom unit – 1,200 square feet
- (h) Every Multi-Family Residential development proposed to contain 24 dwelling units or more must include a community recreation amenity to serve the development. These amenities may include any of the following:
 - Active play area(s)
 - Children’s play area(s)
 - Accessible walking trails
 - Public swimming pool(s)
 - Ball fields
 - Club house
 - Kitchen with seating
 - Tennis court(s)
 - Basketball court(s)
 - Volleyball court(s)
 - Other active recreation courts
 - Community Garden(s)
 - Community OutdoorMulti-Family Residential developments containing 24 to 48 dwelling units must include a minimum of two (2) amenities.
- (i) Each applicant of a Multi-Family Residential Development shall present, as part of the application, all legal documents in which all land associated with the development shall be protected and maintained. This includes all internal streets, parking areas, sidewalks, landscaping, open space areas, recreation amenities, common areas and structures.
- (j) All Multi-Family developments must be connected to a public water system and a sanitary sewer system. All utilities must be located underground within the development.

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- (k) All dumpsters and service equipment must be screened from view using durable architectural materials compatible with the building's exterior.
- (l) All Multi-Family Residential developments must comply with the latest building and fire code adopted by the Town of Buckhead. A fire hydrant, meeting the required fire flows for the size of the structure, must be located within one hundred (100) feet of each building within the development. In no case shall the hydrants be placed further than five hundred (500) feet apart within the development.
- (m) A landscaping plan shall be submitted and approved as part of the construction documents. The use of native plants and trees as landscaping material is encouraged wherever possible. Invasive or potentially invasive plants are not permitted. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. Ground cover(s) should be used to supplement landscaping in appropriate areas to reduce the need for extensive grass lawns. All Multi-Family Residential Developments are required to have a minimum 20 foot buffer along adjoining property lines meeting the screening and buffer requirements of the Buckhead Zoning Ordinance.
- (n) Exterior lighting must meet the requirements of the Buckhead Zoning Ordinance.
- (o) All exterior materials shall be durable and of high-quality. The front façade must contain more than one type of exterior material. A minimum of 50% of the front façade must be brick or stone. No aluminum or vinyl siding is allowed. All front facades shall include architectural elements such as banding, base elements, cornice lines, projecting bays, column treatments, and decorative window treatments and/or architectural fenestration intended to relieve blank and undifferentiated facades. Rear and side materials shall be designed to be compatible in color, materials, and detailing with the public and residential facades. The roof lines of building which face public and residential areas shall be designed to include treatments such as pitched roofs, gables, or raised features in order to provide attractive facades, provide interest and avoid the monotony of undifferentiated rooflines.
- (p) All access roads and parking areas must be paved, consistent with the requirements of the Town of Buckhead regulations. All parking areas must be in the rear and grouped to minimize the number of parking lots. The number of parking spaces must meet the requirements of the Buckhead Zoning Ordinance. Additional parking for guests must be provided and shall be spaced throughout the development. All parking must be off-street.
- (q) Sidewalks shall be provided on both sides of the street in all Multi-family developments. Sidewalks must be located within the dedicated non-pavement right-of-way of roads and shall be concrete or asphalt, unless an alternate material is approved by the Director of Planning & Development. Sidewalks must be a minimum of 5 feet wide with a minimum 4 foot wide grassed or landscaped median between the sidewalk and the adjacent curb.

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